IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.3935 of 2006

Dated: March 24, 2006

Between:

Kataru Penchalaiah,

S/o. K. Pedda Narasimhulu,

aged 24 years, Final year MBBS,

Govt. Siddartha Medical College,

Vijayawada, R/o. Muthukuru,

Atluru Mandal, Cuddapah District.

… Petitioner

And

N.T.R. University of Health Sciences,

Andhra Pradesh, Vijayawada,

rep. by its Registrar, and another.

… Respondents

Order:

The petitioner, a final year M.B.B.S student, has filed this Writ Petition seeking Writ of Mandamus to declare the action of the respondents in not awarding any marks to the 8th question, in the subject Obstetrics in the final year M.B.B.S. Examination, as illegal and arbitrary.

2. The facts of the case, in brief, are that the petitioner, a medical student studying in the second respondent college, appeared for final year M.B.B.S. Examination, Part-II. When the results were declared, he found that he failed to secure a mark less than the minimum marks, i.e. he secured 54 marks out of a minimum of 55 marks in the subject Obstetrics and Gynecology. It is the case of the petitioner that he immediately approached the first respondent authorities asking for revaluation of his answer sheets in those subjects, but he was informed that there is no scope for revaluation, and was advised to get his answer sheet re-totalled. It is stated that during the course of re-totalling, it has come to light that the 8th question was not valued and no marks were awarded for that question.

3. Learned Standing Counsel appearing for the first respondent University has produced the answer sheet of the petitioner on the last occasion. In the answer sheet of the petitioner of the aforesaid subject, as against the 8th question, there is no indication of any mark being given, but, however, in the Optical Magnetic Reader (O.M.R.) sheet, as against the 8th question, '0' mark has been indicated. Though there is no indication of any mark being given in the answer sheet as against the 8th question, however, the learned Standing Counsel also produced letter dated 17-03-2006 issued by the Professor, Head of Department of Obstetrics and Gynecology, wherein it is categorically stated that the answer given by the petitioner to the 8th question is irrelevant to the question asked, and in view of the same, '0' mark was awarded to him.

4. Though the learned counsel for the petitioner submits that in a situation like this,

the answer sheet has to be sent to some other valuer, the same cannot be accepted since as per the academic regulations, there is no provision for revaluation of the answer sheet. Further, there is also no reason to disbelieve the letter dated 17-03-2006 issued by the Professor, Head of the Department of Obstetrics and Gynecology, in which it is stated that even on verification, it was found that the answer given by the petitioner to question No.8, is irrelevant and hence '0' mark was awarded. In that view of the matter, no direction as sought for can be given in this Writ Petition.

5. The Writ Petition is bereft of merits and is accordingly dismissed. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

March 24, 2006

MRR